

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jacob et al.)
For: Method and Apparatus for)
Delivering Services)
Serial No.: 10/749,711)
Filed: December 31, 2003)
Examiner: Nguyen, K.)
Art Unit: 2617)

Pre-Appeal Brief Request for Review

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests review of the final rejection in the above-identified application. No amendments are being filed with this request. The present request is being filed in conjunction with a notice of appeal. The review is being requested for the reasons stated below, which frames the issue to be considered as part of the pre-appeal review process.

The Examiner has rejected claims 1-4, 6, 12-17, 22 and 24, under 35 USC §103(a) as being unpatentable over Chaskar, US Patent Application Publication No. 2004/0224702, in view of newly cited Coffee et al., US Patent Application Publication No. 2006/0182055; and rejected claims 5, 7-11, 18-21 and 23, under 35 USC §103(a) as being unpatentable over Chaskar, '702, and Coffee et al., '055, further in view of Chan et al., US Patent Application Publication No. 2004/020638. However in reviewing the references in light of the claims as presently pending, the references being relied upon by the Examiner fail to make known or obvious each and every feature of the claims.

More specifically, the combination of references continue to fail to make known or obvious at least a second communication connection being a direct communication connection between the user communication device and the service provider, as provided in independent

claim 1; communicating service transaction data directly with the service provider, which is dispatched to a location of the user responsive to the service request and the location information, via the second communication connection upon rendering of the requested service, as provided in independent claim 13; and means for directly communicating service transaction data with a service provider dispatched to a location of the user responsive to the service request and the location information thereby completing a service transaction upon rendering of the service by the service provider, as provided in independent claim 24. In essence, there is no provision for a direct communication connection between a service provider dispatched to the location of the user and the device or apparatus of the user of the service.

While, Coffee et al., '055, may describe a mobile asset management system including provisions for tracking the dispatch of a mobile asset for purposes of providing a service, there is no direct communication between the dispatched service provider and the user communication device, where the user is the user of the service, and/or which would facilitate the communication of service transaction data and/or the completion of a service transaction, via the direct communication connection.

In suggesting Coffee et al., '055, makes known the same, the Examiner makes specific reference to FIGS. 9b and 9c, as well as paragraphs [0349] and [0350]. However in reviewing the cited sections, both elements which communicate via the short range wireless link 108 are devices under the control and management of the same entity, and provide communication between separated elements of the hybrid hand held/fixed mounted device, which would appear to be associated with the service provider. Assuming that the field technician is equated to the claimed service provider, there is no interaction with any separate entity that could be categorized as a user of the service, and hence there is no teaching of a communication between the user communication device and the service provider (claim 1), or corresponding features from either of the other two independent claims, as noted above. As such, the reference can not be said to account for the acknowledged deficiencies of the primary reference, and the combination of references cited by the Examiner can not be said to make known or obvious each and every feature of the claims.

In view of the above remarks, the applicant would respectfully request that the Examiner's final rejection of the claims be withdrawn, as failing to make known or obvious each and every feature of the claims, and as being clear and distinct.

Respectfully submitted,

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